

REMARKS

Claims 1, 2, 4 to 10, 13, 15 to 28, and 30 to 46 are presently pending in the subject patent application, and stand allowed pursuant to a Notice of Allowability mailed July 11, 2006.

The Applicant has amended Claims 1 and 27 to correct antecedent defects therein.

In the Notice of Allowability, the Examiner stated that the Information Disclosure Statement had not been considered "as 37. C.F.R. 1.97(c) (1) has not been complied with i.e. the paragraph (e) statement is lacking". The Applicant submits that the Examiner's refusal to consider the Information Disclosure Statement was improper.

37 CFR 1.97 (c) states that an information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in 37 CFR 1.17(p).

The referenced provision clearly states that the statement required by 37 CFR 1.97 (e) is only required where the fee set forth in 37 CFR 1.17(p) is not paid.

The Applicant attaches a copy of its letter to the Patent Office dated May 25, 2006 that included the Information Disclosure Statement. The attached letter was filed before issuance of the instant Notice of Allowance and bears the official receipt stamp of the Patent Office.

Further, the attached letter states that the Information Disclosure Statement is accompanied by a cheque in the amount of \$180, the amount specified in 37 CFR 1.17(p). The Applicant attaches a copy of the cancelled cheque which bears the official receipt stamp of the Patent Office.

Application No. 10/742,892
Response dated October 10, 2006
Response to Notice of Allowability of July 11, 2006

Since the Applicant complied with 37. CFR 1.97(c)(2), the Examiner's refusal to consider the references in the Information Disclosure Statement was improper, and requests reconsideration of same. Since this request for consideration of the IDS is included as part of a Request for Continued Examination, the Applicant requests a refund of the 37 CFR 1.17(p) fee, pursuant to 37 CFR 1.26.

In the Notice of Allowability, the Examiner also stated that formal drawings were required as those on file were allegedly replete with rough and blurred lines, non-uniform reference numerals and extraneous matter. The Applicant points out that Formal Drawings were filed on June 9, 2004 in response to the Notice TO FILE CORRECTED APPLICATION PAPERS, mailed April 9, 2004. The Applicant encloses another copy of the formal drawings.

Respectfully submitted,
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